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**REMARKS**

Applicants submit these remarks in response to the Office Action of November 25, 2003. In the Office Action, the Examiner rejected claims 1-5, 35-36, and 38-40 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,179,866 to Graham et al. ("Graham"). The Examiner also rejected claims 6-9 under 35 U.S.C. § 103(a) as being obvious over Graham in view of U.S. Patent 4,550,549 to Reinfeld et al. ("Reinfeld").

In this amendment, Applicants amend claims 1-5, 35-36 and 38-40 and offer arguments distinguishing the claims from the cited references, thereby overcoming the claim rejections. Applicants respectfully submit that pending claims 1-9, 35-36 and 38-40 are patentable over the prior art of record. Accordingly, Applicants request a notice of allowance.

**35 U.S.C. § 102(b) Rejections of Claims 1-5, 35-36, and 38-40**

The Examiner rejected claims 1-5, 35-36, and 38-40 under 35 U.S.C. §102(b) as being anticipated by Graham. A claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. MPEP § 2131.

Independent claim 1 recites, "[a]n apparatus for packaging goods in a box erected from a flat-folded configuration ... the box having first and second sidewalls..., the apparatus comprising: (a) a box erecting apparatus ... comprising a first device adapted to contact the first sidewall and a second device adapted to contact the second sidewall, wherein the second device is displaceable from a first position, which is adjacent to the first device, to a second position, thereby unfolding the box; and (b) an elevator lift apparatus operatively connected below the box erecting apparatus, the elevator apparatus having a third position and a fourth position, wherein the elevator lifts the at least one good from the third position to the fourth position, the at least

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one good passing through the bottom opening and into the box, wherein the direction of movement for the elevator lift apparatus when moving from the third position to the fourth position has a vector that projects between the first device and the second device in the second position.”

In a similar spirit, independent claim 35 recites, “[a] method for packaging goods in a box having first and second sidewalls ..., the method comprising: (a) presenting the first sidewall to a first device as the box is in a flat-folded configuration and the second sidewall is attached to a second device; (b) attaching the first device to the first sidewall; (c) unfolding the box by moving the first device to a displaced position away from the second device; (d) activating an elevator lift apparatus to raise an at least one good into the box, the elevator lift apparatus moving from a first position to a second position and the direction of movement for the elevator lift apparatus having a vector that projects between the second device and the first device in the displaced position.”

As indicated in Figs. 1 and 2 of Graham, the cases (i.e., boxes) “are first stored as a group within a hopper or supply station 6, which receives incoming cases 11 in a flattened vertical condition. They are mechanically fed from supply station 6 in an individual fashion by a suitable carton expanding apparatus .... The horizontally expanded cartons are then fed between belts 26 of a case conveying means 25 ... which stops each case 11 at a ready station 7. At this station 7, the top flaps 14, 15 can be completely folded ....” *Graham, col. 2, ll. 62-68; col. 3, ll. 1-4*. The horizontally expanded cartons then continue along the conveying belts 26 to the case packing station 8 where goods are elevated into the cases. *see, Graham Figs. 1 & 2*.

In other words, Graham expands the box 11 at the carton expanding station 6 and then laterally conveys the expanded box 11 along a conveying system to a ready station 7. Once

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reaching the ready station 7, the expanded box 11 is again laterally conveyed along the conveying system until it reaches the case packing station 8, which is located over the elevator apparatus that lifts the goods 24 into the expanded box 11. Thus, unlike Applicants' independent claim 1, Graham's elevator does not lift at least one good such that "the direction of movement for the elevator ... has a vector that projects between the first device and the second device in the second position," wherein the first and second devices are elements of the box erecting apparatus. A similar distinction exists between Applicants' independent claim 35 and Graham.

Because Graham must laterally transfer the expanded box from the erecting station to the packing station, Graham is not as compact as Applicants' claimed invention, which has a box erecting apparatus aligned with the elevator lift apparatus such that the elevator moves along a vector that projects between the first device and the second device in the second position. Therefore, Applicants' invention, as recited in independent claims 1 and 35, is advantageous over the prior art because it saves valuable space within a manufacturing facility.

Since Graham fails to disclose this beneficial feature of Applicants' independent claims 1 and 35, Graham is not anticipatory of these claims or their respective dependent claims. Consequently, Applicants respectfully request that the anticipation rejection of claims 1-5, 35-36, and 38-40 be reconsidered and withdrawn.

**35 U.S.C. § 103(a) Rejections of Claims 6-9**

The Examiner rejected claims 6-9 under 35 U.S.C. § 103(a) as being obvious over Graham in view of Reinfeld. In order for a combination of references to establish a case of prima facie obviousness, three requirements must be met:

1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings;
  2. there must be a reasonable expectation of success; and
  3. the prior art references when combined must teach or suggest all the claim limitations.
- MPEP §2142.

As explained in the preceding section, Graham does not disclose, teach, or suggest an apparatus that comprises an elevator that lifts at least one good such that “the direction of movement for the elevator ... has a vector that projects between the first device and the second device in the second position.” This is an element of independent claim 1, which is the claim on which claims 6-9 depend. Reinfeld does not remedy the deficiencies of Graham. Therefore, the Graham/Reinfeld combination fails to teach or suggest all of the limitations recited in claims 6-9. As a result, Applicants respectfully request that the obviousness rejection be reconsidered and withdrawn.

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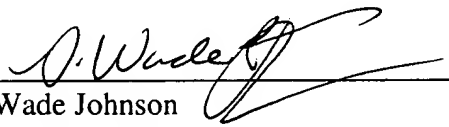
**CONCLUSION**

In view of the preceding remarks, Applicants respectfully urge that the Examiner's rejections be reconsidered and withdrawn, and that claims 1-9, 35-36 and 38-40 be allowed. However, if the Examiner believes that any issues remain unresolved, the Examiner is invited to telephone the undersigned to expedite allowance.

It is believed no fees are due in connection with this communication. However, the Office is hereby authorized to charge any fees associated with this communication to Deposit Account 04-1420.

Respectfully submitted,  
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